

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHAEL STATON,)	
)	Civil Action No. 11 – 133J
Plaintiff,)	
)	District Judge Kim R. Gibson
v.)	Chief Magistrate Judge Lisa Pupo Lenihan
)	
SUPERINTENDENT MICHAEL)	
BRITTON, <i>et al.</i> ,)	
)	
Defendants.		

MEMORANDUM ORDER

This case is before the Court on the Report and Recommendation filed by Chief Magistrate Judge Lisa Pupo Lenihan on January 25, 2013. (ECF No. 45.) Judge Lenihan recommended that the Motion for Summary Judgment filed by Defendants Baker, Brumbaugh, Close, Hartnett, Kessler, and Smeal (ECF No. 40) be granted, the John Doe Defendants be dismissed and this case be closed. The parties were served with the Report and Recommendation and informed that they had until February 11, 2013, to file written objections. As of the date of this Order, however, no objections have been filed. As such, after *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered.

AND NOW, this 20th day of February, 2013,

IT IS HEREBY ORDERED that the Motion for Summary Judgment filed by Defendants Baker, Brumbaugh, Close, Hartnett, Kessler, and Smeal (ECF No. 40) is **GRANTED**.

IT IS FURTHER ORDERED that the remaining John Doe Defendants are **DISMISSED**.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 45) dated January 25, 2013, is **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of the Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

A handwritten signature in black ink, appearing to read 'Kim R. Gibson', is written over a horizontal line.

Kim R. Gibson
United States District Judge

cc: Michael Staton
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Via ECF Electronic Mail